FROM THE NATIONAL INTELLIGENCER.

The correspondence between Mr. Canning and Mr. Erskine laid before the House of Lords of Great Britain, and printed by their order, contains four letters from Mr. Erskine which do not appear to have been published in any English or American newspaper. They are now published from a printed copy lately put into our hands, all the other papers contained in that collection having already appeared in the papers.

(No. 8.)

Dispatch from the Honorable David Erskine to Mr. Secretary Canning, dated Washington, 3d December 1808.

SIR.

The government and Congress have been quite at a loss how to act in the present extraordinary and embarrassing situation of their public affairs, and they have not yet determined upon the measures which they mean to pursue; but I think that I may venture to assure you that the course of conduct recommended by the committee of the House of Representatives, to which was referred the Documents mentioned in the President's Message to Congress, will, in substance, at least, be adopted for the present, with certain amendments, so as to give some time previous to its going into operation.

It is not, however, denied by those even who have introduced this measure that it is only of a temporary nature, and that the United States may be driven to adopt a more decided course of conduct against the belligerents before the present Congress closes, or at any rate soon after the meeting of the new Legislature, in consequence of the feelings and sentiments of the Eastern division of the United States, which has almost universally expressed a disapprobation of the continuance of the Embargo, and has begun to shew symptoms of a determination not to endure it much longer.

The government and party in power unequivocally express their resolution not to remove the Embargo, except by substituting war measures against both belligerents, unless either or both should relax their restrictions upon neutral commerce.

Upon this subject some important communications have been made to me by Mr. Madison, and several of the members of this government, which I will accordingly lay before you, as I confidently believe they were delivered from an unfeigned desire that they might produce the effect of leading if possible to some adjustment of their differences with G. Britain, so, as to enable the government and the nation to extricate themselves from the present very distressing dilemma in which they are involved.

Mr. Madison expressed his firm conviction that when the documents referred to in the President's Message should be seen his majesty's government, and the correspondences between their minister in France with the French minister respecting the decrees of Berlin and Milan, should be deliberately considered; particularly the strong remonstrance of Mr. Armstrong to the French government of the 12th Nov. 1807, that it would be acknowledged that the United States had exerted all the efforts which remonstrances could have been supposed to be capable of producing and that in failure of any effect from them, in persuading the French government to withdraw their unjust restrictions upon neutral commerce, recourse might have been had by the United States to measures of more activity and decision against France; but that in the mean time Great Britain had issued her Orders in Council, before it was known whether the United States would acquiesce in the aggressions of France, and thereby render it impossible to distinguish between the conduct of the two belligerents, who had equally committed aggressions against the United States.

He went also into all the arguments upon that subject which are detailed in his correspondences with the American ministers in London and Paris, as published in the documents referred to in the President's Message, but which I do not now repeat, as my object is merely to inform you of the result of his observations, which was, that as the world would be convinced that America had in vain taken all the means in her power to obtain from G. Britain and France a just attention to her rights as a neutral power, by representations and remonstrances, that she would be fully justified in having recourse to hostilities with either belligerent, and that she only hesitated to do so, from the difficulty of contending with both; but that she must be driven even to endeavor to maintain her rights against the two greatest powers in the world, unless either of them should relax their restrictions upon neutral commerce, in which case the United States would at once side with that power against the other which might continue its aggressions.

Mr. Madison observed to me that it must be evident that the United States would enter upon measures of hostility with great reluctance as he acknowledged that they are not at all prepared for war much less with a power so irresistibly strong as Great Britain, and that nothing would be thought to be too great a sacrifice to the preservation of peace, except their Independence and their honor.—He said that he did not believe that any Americans would be found willing to submit to (what he termed) the encroachments upon the liberty of the rights of the United States by the belligerents, and therefore the alternatives were Embargo or War. He confessed that the people of this country were beginning to think the former alternative too passive, and would perhaps soon prefer the latter as even less injurious to the interest and more congenial with the spirit of a free people.

He declared to me that every opinion which he entertained respecting the best interests of his country led him to wish that a good understanding should take place between Great Britain and the United States, and that he thought that the obvious advantages which would thereby result to both countries were a sufficient pledge of the sincerity of his sentiments.

The reasons which induce me to believe that the views and determinations of this government, as described to me by Mr. Madison, are their real sentiments, and that they will pursue that course of conduct which they have marked out, arise from a mature consideration of the actual state of the affairs of this country, the particular situation of the government and ruling party, and from certain private but important communications which have been made to me by some of the members of the administration, who are sincerely desirous of a conciliation with Great Britain.

It is evident from every thing which has lately taken place in this country, that the people at large are desirous of having the Embargo removed; but it is also to be collected from the result of the elections throughout the United States, that the present ruling party have a decided majority of the people with them, and as they have pledged themselves not to repeal it, while the restrictions upon their neutral rights continue in force by both belligerents, without substituting war measures, and as they themselves acknowledge "that the ultimate and only effectual mode of resisting such warfare, if persisted in, is war," and "that a permanent suspension of commerce would not properly be resistance, but submission;" I cannot therefore conceive that it would be possible for them to retract their declarations, and indeed, they would not have the *power* of continuing the Embargo more than six months, and of course, therefore, they must substitute war measures when it should be withdrawn, unless they were to abandon all the principles they have laid down, and to change all the resolutions which they have so unequivocally expressed.

It is true that they might possibly do so, if they found themselves pressed by the number and strength of their opponents, or by a change in the opinions of their majority amongst the people; but it is plain from the decision in the House of Representatives in Congress, upon the resolutions proposed by the committee appointed to consider the subject of their foreign relations, which was carried by a majority of eighty-four to twenty-one, that they have not lost any ground in the present Congress, and the result of the elections for members of Congress, proves, that although they have lost some votes in the Eastern states, that they will have a great majority out of the whole number of the next Congress.

For these reasons I conclude that the government party could carry along with them the support of the people in the measures which they might resolve to take, and I have already explained, why I believe they will adopt the course of conduct which I have described in the foregoing part of this dispatch, arising out of the state of the country and their own particular situation, and I will therefore proceed to explain my private reasons for feeling confirmed in their opinions, and will have the honor of laying before you some important communications which were made to me by some of the members of this government, unofficially, but with a desire that they might produce a favourable effect towards a conciliation with Great Britain. I beg leave to refer you to my next number in which they are detailed.

I have the honor to be,
With the highest respect, Sir,
Your most ob't h'ble serv't.
D. M. ERSKINE.

(No. 9.)

Dispatch from the honorable David Erskine to Mr. Secretary Canning, dated Washington, 4th Dec. 1808.

SIR,

In the course of several private interviews which I had with Mr. Gallatin the Secretary of the Treasury, and with Mr. Smith, Secretaay of the Navy, I have collected from them that their sentiments coincide with those of Mr. Madison, which I have detailed at some length in the preceding number of my dispatches, respecting the proper course of conduct which ought to be pursued by the United States, in their present situation, although they had differed as to the propriety of laying on the Embargo, as a measure of defence, and had thought that it would have been better to have resorted to measures of a more decided nature at first, but that now they had no other means left, but to continue it for a short time longer, and then in the event of no change taking place in the conduct of the belligerents towards the United States, to endeavor to assert their rights against both powers; but that if either should relax in their aggressions, they said they would vote for taking part with that one against the other which should continue its aggressions.

Mr. Gallatin remarked to me, that the resolutions which were proposed by the committee of Foreign Relations in their report to the House of Representatives, and which had already passed in the committee of the whole House, and would perhaps soon pass into a law, seemed to him to remove two very important grounds of difference with Great Britain, viz. the non-importation act, as applicable to her alone, and the President's proclamation, whereby the ships of Great Britain were excluded from the ports of the United States, while those of France were permitted to enter, but now, by the non-interrourse law both powers were placed on the same footing; he did not pretend to say that this measure had been taken from any motives of concession to Great Britain; but as in fact those consequences followed, he conceived they might be considered as removing the two great obstacles to a conciliation. This he wished might be the case, as he intimated to me that such steps were about to be taken by Congress upon another very important subject of the differences between the two countries, as might have a further effect in leading to a favorable adjustment of them. He informed me, that a law was about to be proposed to Congress, and which he believed would pass, to interdict all American vessels from receiving on board any foreign seamen, under heavy penalties or forfeitures, and that already the ships of war of the United States had been ordered not to receive any, and to discharge such as were at that time on board. This subject is also alluded to by Mr. Giles, the Senator, in his speech, who is high in the confidence of the government, and, it is said, is to be Mr. Madison's Secretary of State, Mr. Gallatin also said, that he knew that it was intended by the United States to abandon the attempts to carry on a trade with the colonies of belligerents in time of war which was not allowed in time of peace, and to trust to the being permitted by the French to carry on such trade in peace so as to entitle them to a continuance of it in time of war.

In this manner he observed all the points of differences between Great Britain and the United States might be smoothed away (was his expression) and that the United States would be willing to put the intercourse with Great Britain upon a perfect footing of reciprocity, and would either consent to the arrangement that the ships of both nations should pay the same duties reciprocally, or place each other simply upon the footing of the most favored nation.

I have no doubt that these communications were made with a sincere desire that they might produce the effect of conciliation, because it is well known that Mr. Gallatin has long thought that the restrictive and jealous system of non-importation laws, extra-duties, and other modes of checking a free trade with Great Britain have been erroneous and highly injurious to the interests of America; he informed me, distinctly, that he had always entertained that opinion, and that he had uniformly endeavored to persuade the President to place the conduct of G. Britain and France towards the United States in a fair light before the public. He seemed to check himself at the moment he was speaking upon that subject, and I could not get him to express himself more distinctly, but I could clearly collect from his manner, and from some slight insinuations, that he thought the President had acted with partiality towards France. For he turned the conversation immediately upon the character of Mr. Madison, and said that *he* could not be accused of having such a bias towards France: and remarked that Mr. Madison was known to be an admirer of the British constitution, to be generally well disposed towards the nation, and to be entirely free from any enmity to its general prosperity. He appealed to me, whether I had not observed that he frequently spoke with approbation of its institutions, its energy and spirit, and that he was thoroughly well versed in its history, literature and arts.

These observations he made at that time for the purpose of contrasting the sentiments of Mr. Madison with those of the President, as he knew that I must have observed that Mr. Jefferson never spoke with approbation of any thing that was British and always took up French topics in his conversation, and always raised the people & country of France, and never lost an opportunity of shewing his dislike to G. Britain.

At the close of my interview with Mr. Gallatin, he said in a familar way, "You see, sir, we could settle a treaty in my private room in two hours, which might perhaps be found to be as lasting as if it was bound up in all the formalities of a regular system; and might be found as reciprocally useful as a treaty consisting of twenty-four articles, in which the intricate points of intercourse might be in vain attempted to be reconciled to the opposite, and perhaps, jealous views of self-interest of the respective countries."

I have taken the liberty of detailing to you the substance of this unofficial conversation with Mr. Gallatin, in order to explain to you the grounds upon which I have formed my opinion that the members of the present government who it is expected will belong also to the next, would be desirous of settling the differences of the United States with Great Britain, to enable them to extricate the country and themselves from the difficulties in which they are involved; for it is now, I believe, determined that Mr. Gallatin will accept his persent office under Mr. Madison, which was at one time doubted. The character of Mr. Gallatin must be well known to you, to be held in the greatest respect in this country for his unrivalled talents as a financier and as a statesman. There cannot I think be any reasonable doubt entertained that he is heartily opposed to French aggrandizement, and to the usurpations of Bonaparte. He was an enthusiast in favor of the French revolution, in the early period of it, but has long since abandoned the favorable opinions he had entertained respecting it, and has viewed the progress of France towards universal dominion with jealousy and regret.

How far the good will of this government and country towards Great Britain, may be worth, in the estimation of his majesty's government, the sacrifice of the orders in council, and of the impression which they might be expected to make on France, it would be presumptuous in me to venture to calculate, but I am thoroughly persuaded that at THAT PRICE it might be obtained.

I have endeavored, by the most strict and diligent enquiries into the views and strength of the federal party to ascertain to what extent they would be willing and able to resist the measures of the party in power, and how far they could carry the opinions of this country along with them in their attempts to remove the embargo, without recurring to hostilities against both G. Britain & France.

Upon a mature consideration of this subject, I am persuaded that great as the desire is which generally prevails for the removal of the embargo, that the federalists would not venture to recommend that it should be withdrawn, without proposing some measures of greater energy as a substitute. Some have indeed hinted at the propriety of at once declaring war against France; but few, however, of those who have been most clamorous against the embargo, have yet offered their opinions as to what course ought to be pursued, although all have declared against the submission to the restrictions upon their neutral rights.

When the small number of those who have pointed out the propriety of going to war with France, alone, is considered, even of the federal party, I cannot believe that such a measure would succeed.

All the leaders of the democratic party in Congress and out of it, declare that they only propose the continuance of the embargo for a short time, and that if the voice of the people at large is for more active resistance, that they shall be willing and ready to put forth the strength of the country for that purpose. These declarations are to be found in the speeches, some printed copies of which I have sent herewith; you will find, however, that in some of them a great stress is still laid upon the effects to be expected from the embargo in coercing the belligerents, particularly Great Britain, to relax in her restrictions, from the distress and inconvenience which is likely to be produced by the want of the produce of this country.

This reliance upon such consequences from the Embargo is greatly, indeed almost entirely diminished in the opinions of most people, and I conceive that the only reason why the ruling party wish it to be continued arises from a hope that time might afford them an opportunity of better judging of the probable issue of events in Europe, particularly of the success or failure of Bonaparte in Spain.

It may be doubted whether the privations and inconvenencies produced by the Embargo in this country, will not compel the Congress to take some hostile measures, in order to have a pretext for its removal of so triffling a nature, however, as to leave it to the belligerents to overlook them, if they please, and to save the ruling party from the necessity of going into war measures of great expence and danger not only to their own popularity and power, but perhaps, even to the safety of the union. I propose to have the honor of offering some remarks upon this subject in the next number of my dispatches.

With the highest respect,
I have the honor to be, Sir,
Your most obedient humble servant,
M. D. ERSKINE.

[*The two other papers not yet published shall appear in our next. Also Mr. Gallatins replication to the above letter.*]

Laws of the Union.

(*BY AUTHORITY.*)

AN ACT

Fixing the compensation of public Ministers and of Consuls residing on the coast of Barbary, and for other purposes.

BE *it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President of the United States shall not allow to any minister plenipotentiary, a greater sum than at the rate of nine thousand dollars per annum, as a compensation for all his personal services and expenses; nor to any charge des affaires, a greater sum than at the rate four thousand five hundred dollars per annum, as a compensation for all his personal services and expenses; nor to the secretary of any legation or embassy to any foreign country, or secretary of any minister plenipotentiary, a greater sum than at the rate of two thousand dollars per annum, as a compensation for all his personal services and expenses; nor to any consul who shall be appointed to reside at Algiers, a greater sum than at the rate of four thousand dollars per annum, as a compensation for all his personal services and expences; nor to any other consul who shall be appointed to reside at any other of the states on the coast of Barbary, a greater sum than at the rate of two thousand dollars per annum, as a compensation for all his personal services and expenses; nor shall there be appointed more than one consul for any one of the said states: *Provided*, It shall be lawful for the President of the United States to allow to a minister plenipotentiary or charge des affairs, on going from the United States to any foreign country, an outfit, which shall in no case exceed one year's full salary of such minister or charge des affaires; but no consul shall be allowed an outfit in any case whatever, any usage or custom to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That to entitle any charge des affairs, or secretary of any legation or embassy to any foreign country, or secretary of any minister plenipotentiary, to the compensation herein before provided, they shall respectively be appointed by the President of the United States, by and with the advice and consent of the Senate; but in the recess of the Senate, the President is hereby authorised to make such appointments, which shall be submitted to the Senate at the next session thereafter, for their advice and consent; and no compensation shall be allowed to any charge des affaires, or any of the secretaries herein before described, who shall not be appointed as aforesaid: *Provided*, That nothing herein contained shall be construed to authorise any appointment of a secretary to any charge des affaires, or to any consul residing on the Barbary coast, or to sanction any claim against the United States for expense incident to the same, any usage or custom to the contrary notwithstanding.

SEC. 3. *And be it further enacted*, That where any sum or sums of money shall be drawn from the treasury, under any law making appropriation for the contingent expenses of intercourse between the United States and foreign nations, the President shall be and he hereby is authorised to cause the same to be duly settled annually, with the accounting officers of the treasury, in the manner following, that is to say; by causing the same to be accounted for specially, in all instances wherein the expenditure thereof may in his judgment be made public, and by making a certificate of the amount of such expenditures as he may think it advisable not to specify, and every such certificate shall be deemed a sufficient voucher for the sum or sums therein expressed to have been expended.

SEC. 4. *And be it further enacted*, That it shall not be lawful for the consuls of the United States, residing on the Barbary coast, or either of them, to expend or to disburse, or pay, or cause to be paid for any purpose or on any pretence whatever, not authorised by law, to any one of the Barbary powers, or to the officers or subjects thereof, a greater sum than three thousaud dollars in any one year, with intent to charge the United States with the same, without first obtaining a special approbation in writing from the President of the United States, for that purpose—and every such consul who shall after notice of this act, expend or disburse, or pay, or cause to be paid for any purpose or on any pretence whatever, not authorised by law, to any one of the Barbary powers, or to the officers or subjects thereof, a greater sum than three thousand dollars in any one year, or shall be aiding or assisting therein, without first obtaining the approbation of the President as aforesaid, shall forfeit and pay to the Treasury of the United States, a sum equal to one half his yearly compensation; and shall moreover stand charged with, and be accountable for all monies so disbursed or paid, contrary to the provisions of this act.

SEC. 5. *And be it further enacted*, That from and after the first day of November next, no consul of the United States